IN RE: PETITION FOR ADMIN. VARIANCE S/S of Woodberry Place, 156 ft. E of Jerico Road* 11th Election District 5th Councilmanic District (11905 Woodberry Place)

> Melinda S. & William N. Colonna Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

- * OF BALTIMORE COUNTY
- * CASE NO. 04-389-A

* * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Melinda S. and William N. Colonna. The variance request is for property located at 11905 Woodberry Place in the Kingsville area of Baltimore County. The variance request is from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a building addition setback of 11 ft. to side property line and 65 ft. to street centerline in lieu of 50 ft. and 75 ft. respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on March 7, 2004, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict

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compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

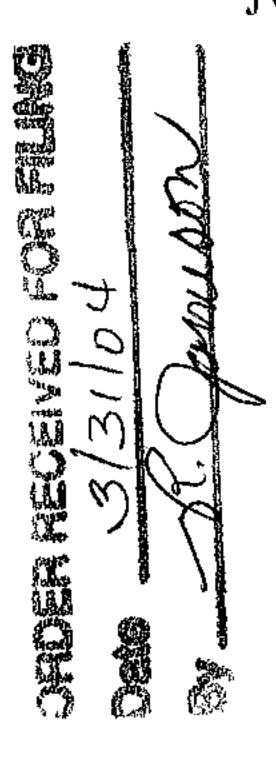
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 3/2 day of March, 2004, that a variance from Section from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a building addition setback of 11 ft. to side property line and 65 ft. to street centerline in lieu of 50 ft. and 75 ft. respectively, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning said property to its original condition;

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj



Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

3l March **29**, 2004

Mr. & Mrs. William N. Colonna 11905 Woodberry Place Kingsville, Maryland 21087

> Re: Petition for Administrative Variance Case No. 04-389-A Property: 11905 Woodberry Place

Dear Mr. & Mrs. Colonna:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

John V. Murphy

JVM:raj Enclosure



Visit the County's Website at www.baltimorecountyonline.info



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11905 Woodburnes Place

3/22

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made a pa	art hereof, hereby	petition for a V	Variance from Sec	ich is described in the	Cription and plat att	undersigned, legal tached hereto and TA
of the zon	ing regulations of ition form.	Baltimore Cou	inty, to the zoning	law of Baltimore County, fo	or the reasons indi	cated on the back
ii. or we. ad	ree to bay expense	is of above Vari	ance adverticing n	zoning regulations. osting, etc. and further agree to the zoning law for Baltimor I/We do solemnly decla	re County. re and affirm, under	the penalties of
Contract	Purchaser/Les	see:		perjury, that I/we are the is the subject of this Per Legal Owner(s):	e legal owner(s) of th	ne property which
				William N.	Colonna III	
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Signature		, , , , , , , , , , , , , , , , , , , 	· · · · · · · · · · · · · · · · · · ·	Signature		
Address			Telephone No.	Name - Type or Print	Colonna_	
City 3	· · · · · · · · · · · · · · · · · · ·	State	Zip Code	Signature	411	2-592-7259
Attorney 5 M	For Petitioner:	† *	ŧ	Address	My Place 410	7 - 592 - 7259 - 529 - (572) (Telephone No.
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omozny 🙃	•	·		Name		
Address	., .		Telephone No.	Address		Telephone No.
City		State	Zip Code	City	State	Zip Code
A Public Hea his day egulations of	ring having been for of Baltimore County and	rmally demande that I that the property	d and/or found to be the subject matter of t be reposted.	required, it is ordered by the a	Zoning Commissioner aring, advertised, as re	of Baltimore County, quired by the zoning
CASE N	o. <u>04</u>	389-A	Rev	Zoning Commissi	ioner of Baltimore Cour	24/04
REV 9/15/98		•		imated Postina Date	3/17/11	

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently residual	de at 11905 Address	Woodberry	Place	
	1	ville, MD	tate	2/087 Zip Code
That based upon personal knowledge, the Variance at the above address (indicate h	ie following are the fa ardship or practical d	cts upon which I/we	/	•
This repusst is	s for reasons	est praetical	difficulty wh	encby:
 Our house already sits with houses were built closer tog comply with the setbacks. The zoning category of RC built in 1825, with long nar Other homes on our court he property line than our p	sether. Our lot is only appropriate for the row lots. ave permanent structure sed addition. Some sit 987 and were key in have follars restoring our how pansion.	pprox. 80 ft. wide. It is area, with exception to and additions that are inches off the property ing this area designated ome, and wish to live h	s impossible for us to our street of mill home much closer to the line. (see photos) d as an historic district. ere permanently, but	t es
 We can only expand off the of our septic and drain field 	side of our nouse due to s.	aesthetics, a very stee		
			M	1.60
That the Affiant(s) acknowledge(s) that advertising fee and may be required to president to pres	ovide additional inform	nation. Signature	I be required to pa	-
STATE OF MARYLAND, COUNTY OF B	Hackord ALTIMORE, to wit:			* **** **** **** **** **** **** **** ****
I HEREBY CERTIFY, this day of of Maryland, in and for the County aforest	aid, personally appear	, <u>ಎಂಎ੫</u> , ı	before me, a Notary	Public of the State
the Affiant(s) herein, personally known of law that the matters and facts hereinabov	r satisfactorily identifie	ed to me as such Af	fiant(s), and made of his/her/their know	ath in due form of ledge and belief.
AS WITNESS my hand and Notarial Seal			•	~
2/12/04 Date	Notor	Public	2 Richard	500
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REV 09/15/98	IVIY CC	•	FUZABETH A. RICHA NOTARY PUBLIC STATE C My Commission Expires A	OF WARAITAIND

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County	y, as
follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is	s/are
competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.	

That the Affiant(s) does/do presently reside at	t <u>11905 VV A</u>	Edberry Place	
	City Kingsville	MD State	ح کاری 7 Zio Code
That based upon personal knowledge, the fo Variance at the above address (indicate hards	ollowing are the facts up	on which I/we base the re	t t
This request is t	for reasons of	practical difficul	ty whereby;
1. Our house already sits within the houses were built closer together comply with the setbacks.	50 foot setbacks, due to it. Our lot is only approx. §	ts historical setting (mill villa 30 ft. wide. It is impossible fo	ge where or us to
2. The zoning category of RC-5 is a built in 1825, with long narrow lo	appropriate for the area, wi	ith exception to our street of r	nill homes
 Other homes on our court have performed an our proposed a 	ermanent structures and acaddition. Some sit inches o	off the property line. (see pho	otos)
4. We have lived here since 1987 ar We have spent thousands of dolla cannot do so without this expansi	ars restoring our home, and	area designated as an historic d wish to live here permanent	district. ly, but
5. We can only expand off the side of our septic and drain fields.		tics, a very steep hill in back,	and location
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That the Affiant(s) acknowledge(s) that if a advertising fee and may be required to provide	formal demand is filed e additional information.	d, Affiant(s) will be require	
Signature William N. Colonna III Name - Type or Print	Sign Nam	Melinda S. Colo ne - Type or Print	me
STATE OF MARYLAND, COUNTY OF BALT		~	
of Maryland, in and for the County aforesaid,			a Notary Public of the State
the Affiant(s) herein, personally known or satisf	sfactorily identified to m	e as such Affiant(s).	1 i
AS WITNESS my hand and Notarial Seal			
	Notary Publ	ic a Dick	adsa
	My Commis	sion Expires	<u> </u>

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Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	11905	Woodber	an P	lace_	
		tly zoned _	71		

I/We do solemnly declare and affirm, under the penalties of

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) (A04. 3. B. 2 To Permit a

Building addition setbacks of 11 ft. to sproperty line and 65 ft to street centraline in lieu of 50 ft. and 75 ft respectively)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

			perjury, that I/we are is the subject of this	e the legal owner(s) of the Petition.	property which
Contract Purchaser/L	essee:		Legal Owner(s).		
Name - Type or Print			Name - Type or Print	N. Colonna, III	<u>-</u>
Signature	· · · · · · · · · · · · · · · · · · ·		Signature,		
Address		Telephone No.	Name - Type or Print	S. Colonna	; <u></u>
City	State	Zip Code	Signature	L/4. (We-	410:592-7.
Attorney For Petitione	<u>er:</u>		Address Kingsvill	oodberry Place	<u>E 410-529-65</u> Telephone No. 21087
Narne - Type or Print	······································	· · · · · · · · · · · · · · · · · · ·	City C/A25VI/I	State	Zip Code
Signature	<u></u>	······································	<u>Representative</u>	to be Contacted:	
Company	;	······································	Name		<u> </u>
Address	···	Telephone No.	Address		Telephone No.
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A Public Hearing having been this day of regulations of Baltimore County is		ui ilia giimiari monor mt ti	required, It is ordered by the set for a public term of the set for a public term.	the Zoning Commissioner of c hearing, advertised, as requ	Baltimore County, uired by the zoning
case no. 04	389	<u>}</u> Rev	Zoning Comn	nissioner of Baltimore County Date 2	1/04
REV 10/25/01		Feti	mated Destina Date	2/1/1/2	

ZONING DESCRIPTION

239

ZONING DESCRIPTION FOR 11905 Woodberry Place, Kingsville, MD

Beginning at a point on the south side of Woodberry Place, which is 50 feet wide at the distance of 156 feet east of the centerline of the nearest improved intersecting street, Jericho Road, which is 22 feet wide. Being Lot # 9 and # 11 (no block # or section #) in the subdivision of Franklinville as recorded in Baltimore County Plat Book #9/65, Folio # 474, containing 12,283 square feet/.31 acres. Also known as 11905 Woodberry Place and located in the 11th Election District, 5th Councilmanic District.

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CERTIFICATE COOSTING

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	RE: Case No.: 04-389-A
	Petitioner/Developer:
	WM. & MERINDA COLONNA
	Date of Hearing/Closing: 3/22 CM
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Krister HATTHEWS	
Ladies and Gentlemen:	•
· // C3 - 3	Woodsenry Pi.
The sign(s) were posted on	3/7/04
	(Month, Day, Year)
CASE # 04-389-4	Sincerely,
	(Signature of Sign Poster and Date)
	RICHARD E. HOFFMAN (Printed Name)
	904 DELLWood DR. (Address)
	一戸ととらってい、人们の 21047 (City, State, Zip Code)
	(Telephone Number)
05. NOODBERRY FL. STED 3/7/04	(~ orebitotic tantition)
I TOUBERRY PL	- · ·

RECEIVED

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DEIL OF BLUMBER (1977)

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 04 389 A
Petitioner: * Cedonna-
Address or Location: v 11905 Woodberry Place
PLEASE FORWARD ADVERTISING BILL TO:
Name: Melinda Colonna
Address: 11905 Woodberry Place
- Kingsville, 190 2/087
Telephone Number: 410-592-7359

-A Address 11905 WOODBERRY PLACE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04-

Jontact Person:	Planne: Pleasé Pr		Phone Number:	410-887-3391
Filing Date:	/ /	Posting Date: 3/07/	1 14 Closing Date	e: 3/22/02
Any contact mad hrough the contact	de with this office regict person (planner) us	garding the status of the ling the case number	administrative varian	ce should be
reverse sid reposting n is again re	nust be done only by a sponsible for all asso	must use one of the sign ne petitioner is responsible one of the sign posters or ciated costs. The zoning date noted above. It sho	le for all printing/postire the approved list and notice sign must be	ng costs. Any I the petitioner visible on the
a formal re	equest for a public hi	the deadline for an occup earing. Please understa process is not complete of	and that even if there	000 feet to file is no formal
commission order that (typically wi	ner. He may: (a) gra the matter be set in othin 7 to 10 days of the	e, the file will be reviewed ant the requested relief; (for a public hearing) he closing date) as to whomale g. The order will be mailed	(b) deny the requested You will receive written the petition has better the petition between the petition has better the petition between the petit	d relief; or (c) en notification been granted
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ase Number 04	. 389 -A	Address 11905 WC	WDBERRY BLA	Œ
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osting Date:	3/04/04	Closing Da	te: $\frac{3/22/0529}{3/22/04}$	1 6500 (W)
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•		•	· WCR - 8	Revised 5/28/00

Department of Permits—d Development Management

Development Processing County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204



Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

March 22, 2004

William N.Colonna Melinda S. Colonna 11905 Woodberry Place Kingsville, Maryland 21087

Dear Mr. and Mrs. Colonna:

RE: Case Number: 04-389-A, 11905 Woodberry Place

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 24, 2004.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

U. Cal Robal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 2.27.64

Ms. Kristen Matthews Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

Baltimore County

Item No.

389

Dear. Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley

DATE:

March 25, 2004

SUBJECT:

Zoning Item # 04-389

Address

11905 Woodberry Place

Colonna Property

Zoning Advisory Committee Meeting of March 1, 2004

The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

GROUNDWATER MANAGEMENT

Prior to approval of a building permit, a variance to allow the proposed addition to be less than thirty feet (30') from the water well must be submitted to, and be approved by Groundwater Management.

Reviewer:

Sue Farinetti

Date: March 8, 2004

S:\Devcoord\ZAC SHELL 11-20-03.doc

DATE: April 6, 2004

RECEIVED

APR - 6 2004
ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

11905 Woodberry Place

INFORMATION:

Item Number:

4-389

Petitioner:

William N. Colonna, III

Zoning:

RC 5

Requested Action:

Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends that the petitioner's request be APPROVED. The proposed addition was also reviewed and approved by the LPC on March 11, 2004.

Division Chief:

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: March 25, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM: (

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 8, 2004

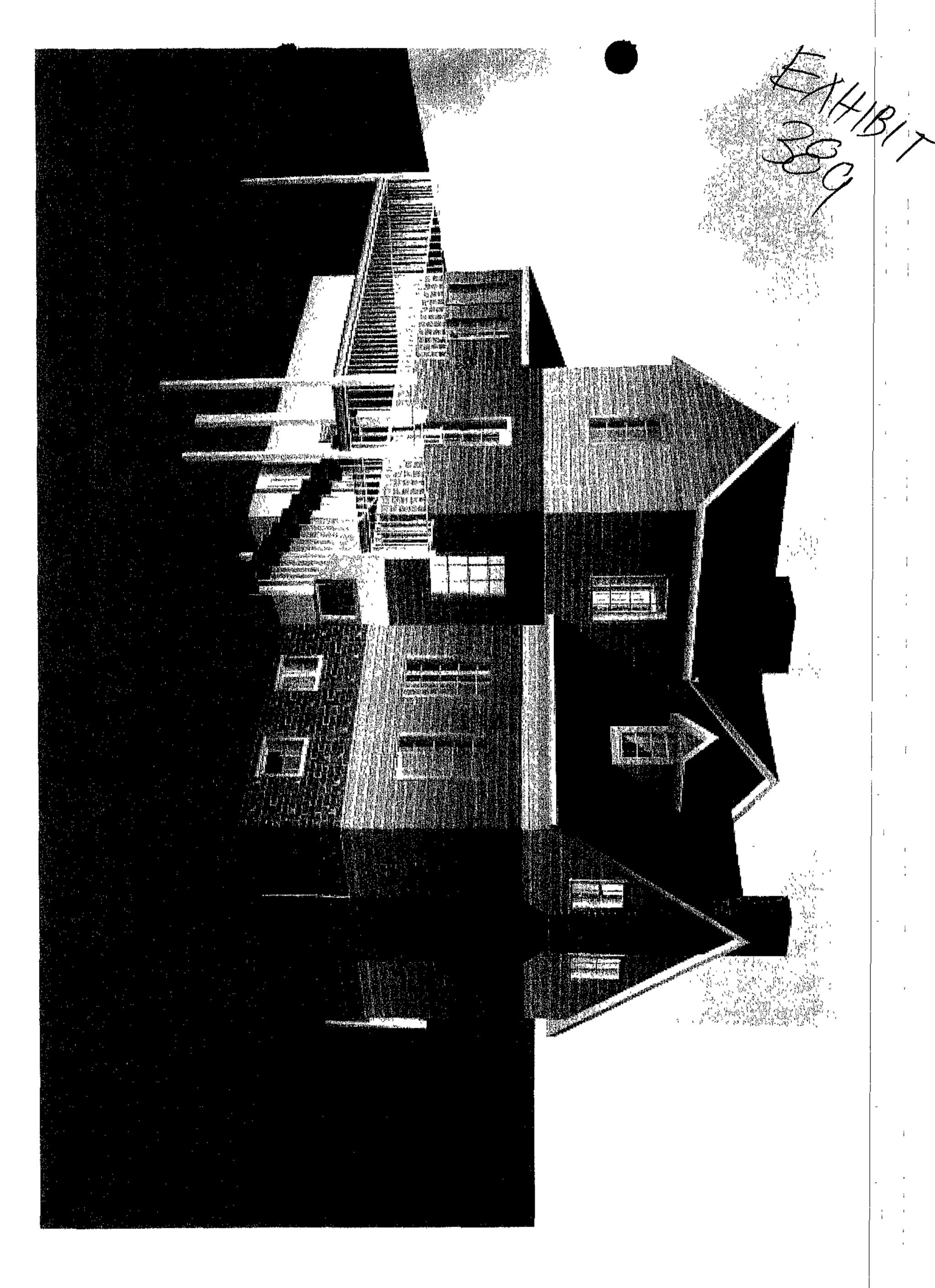
Item Nos. 349, 376, 377, 378, 379, 380, 381, 382, 384, 385, 388, and 389

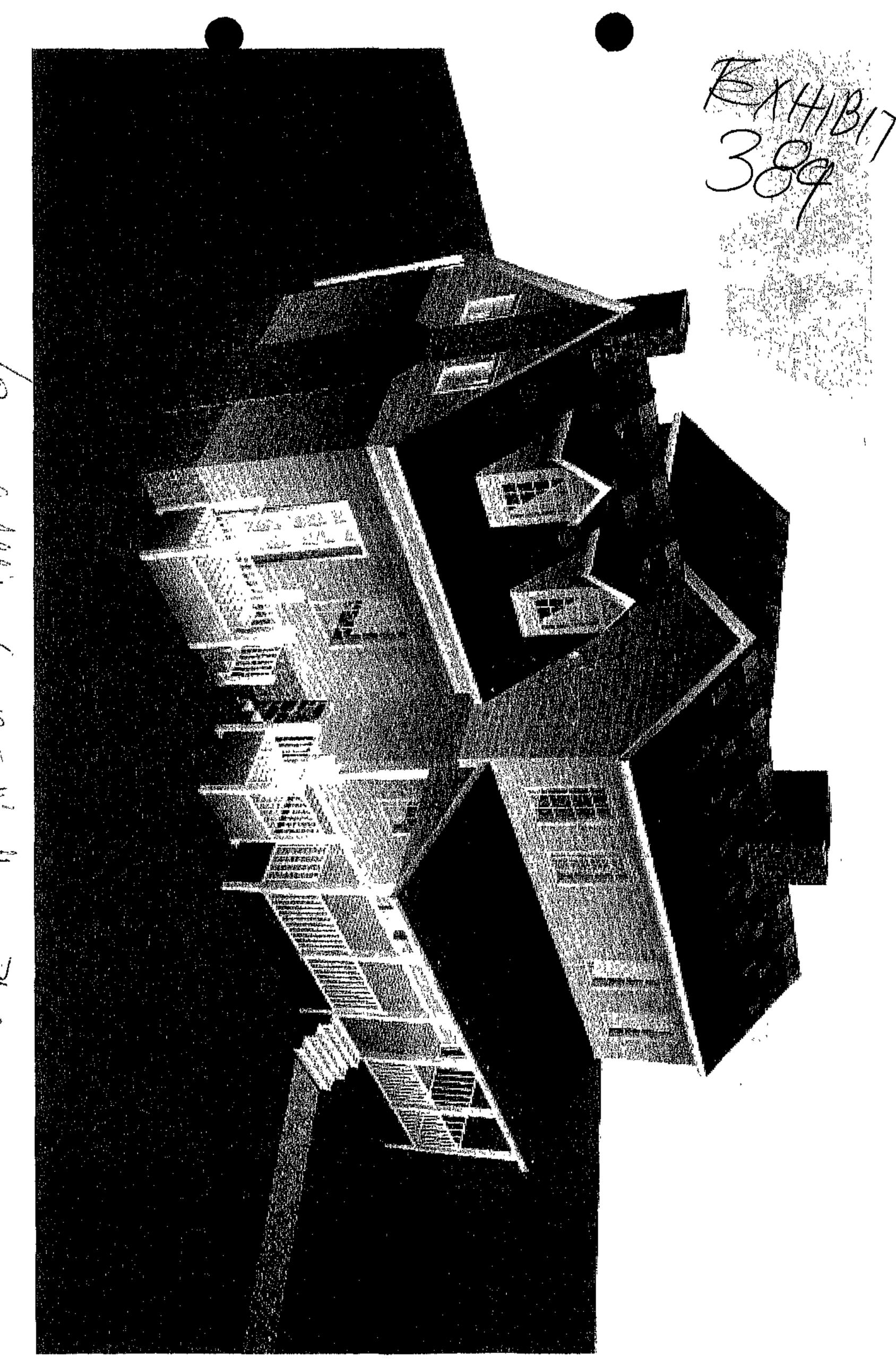
The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

RWB:CEN:jrb

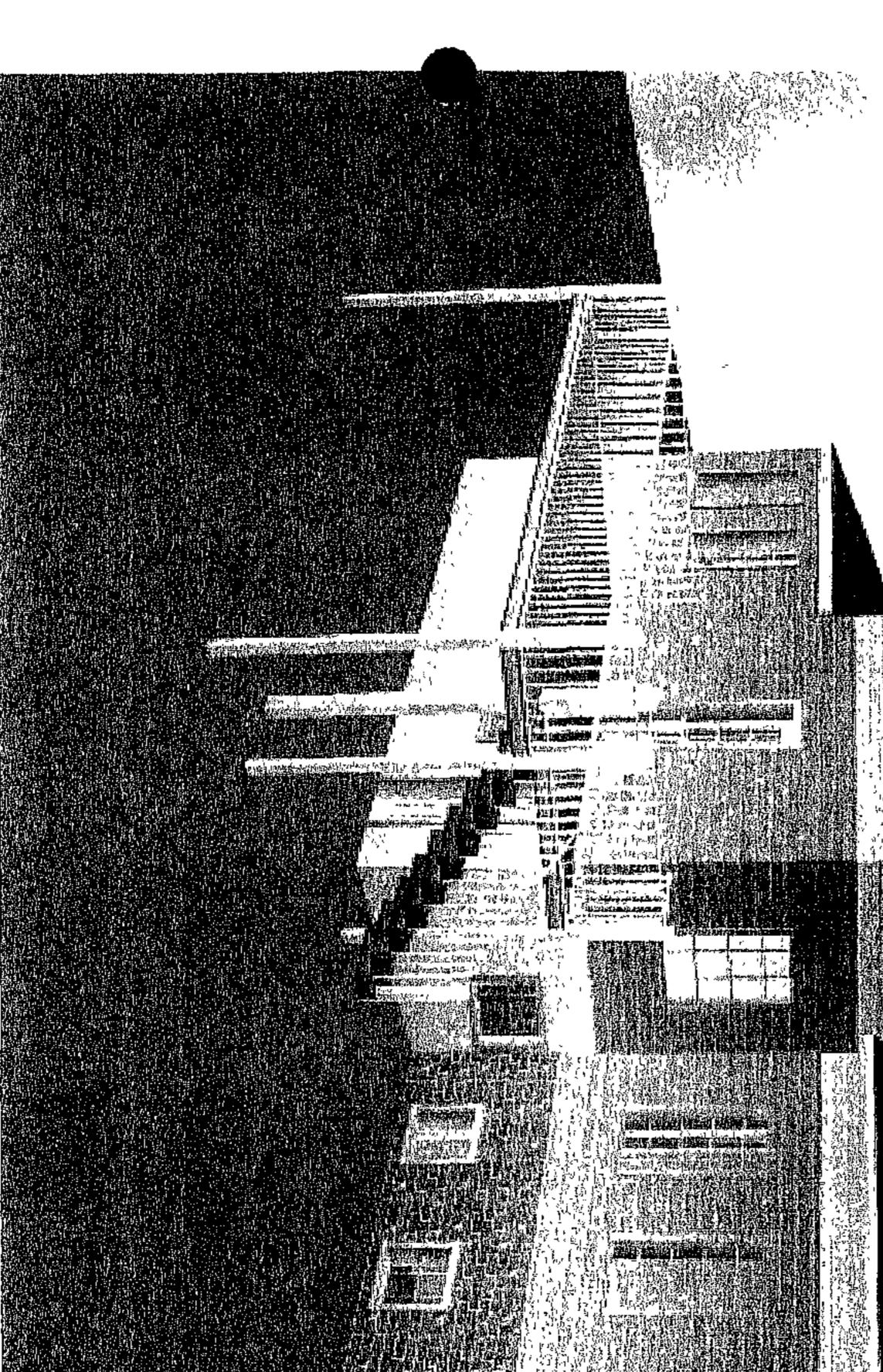
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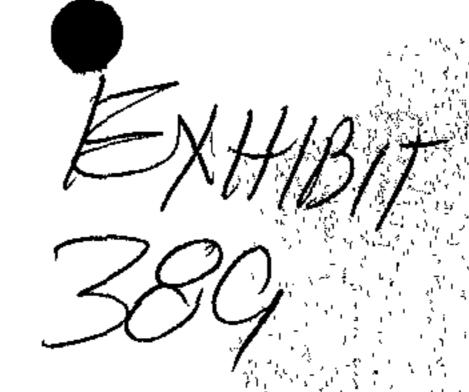
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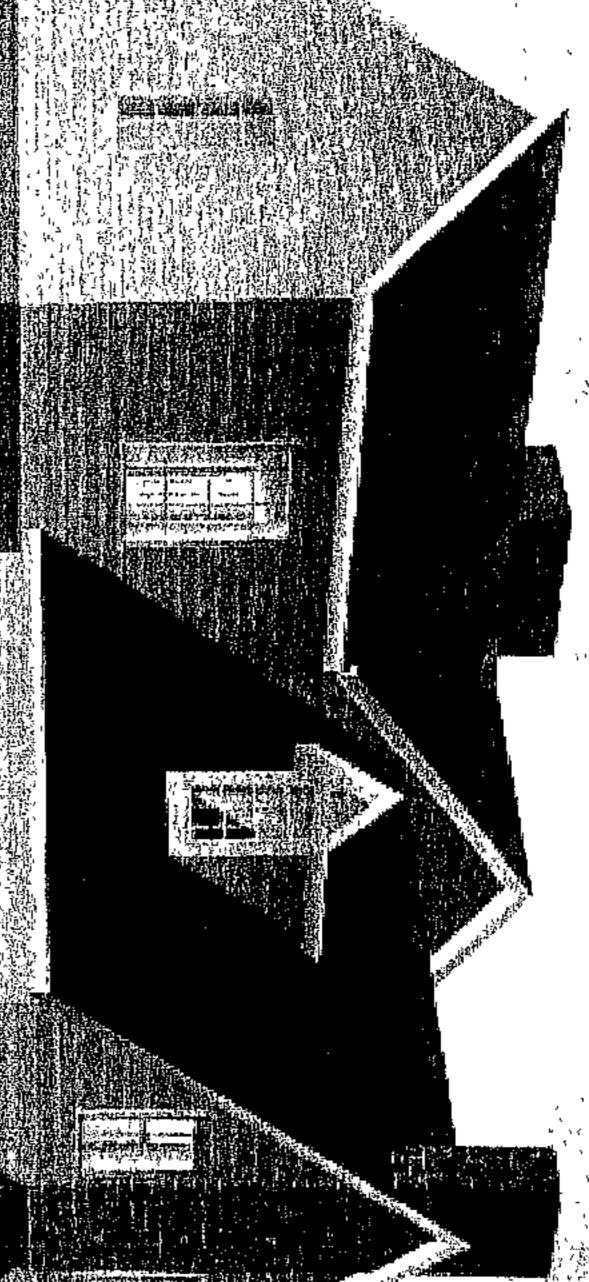




11905 Z

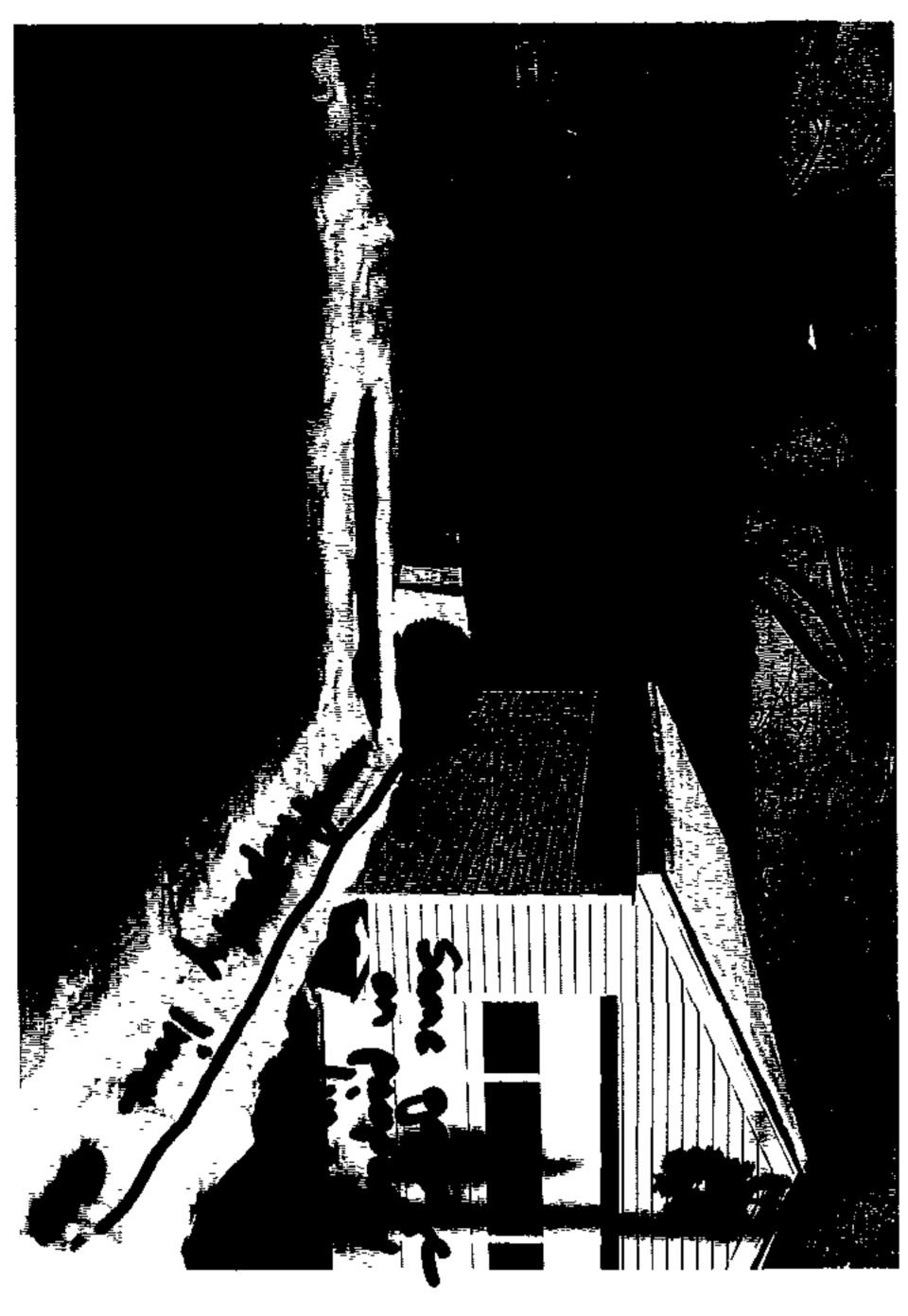








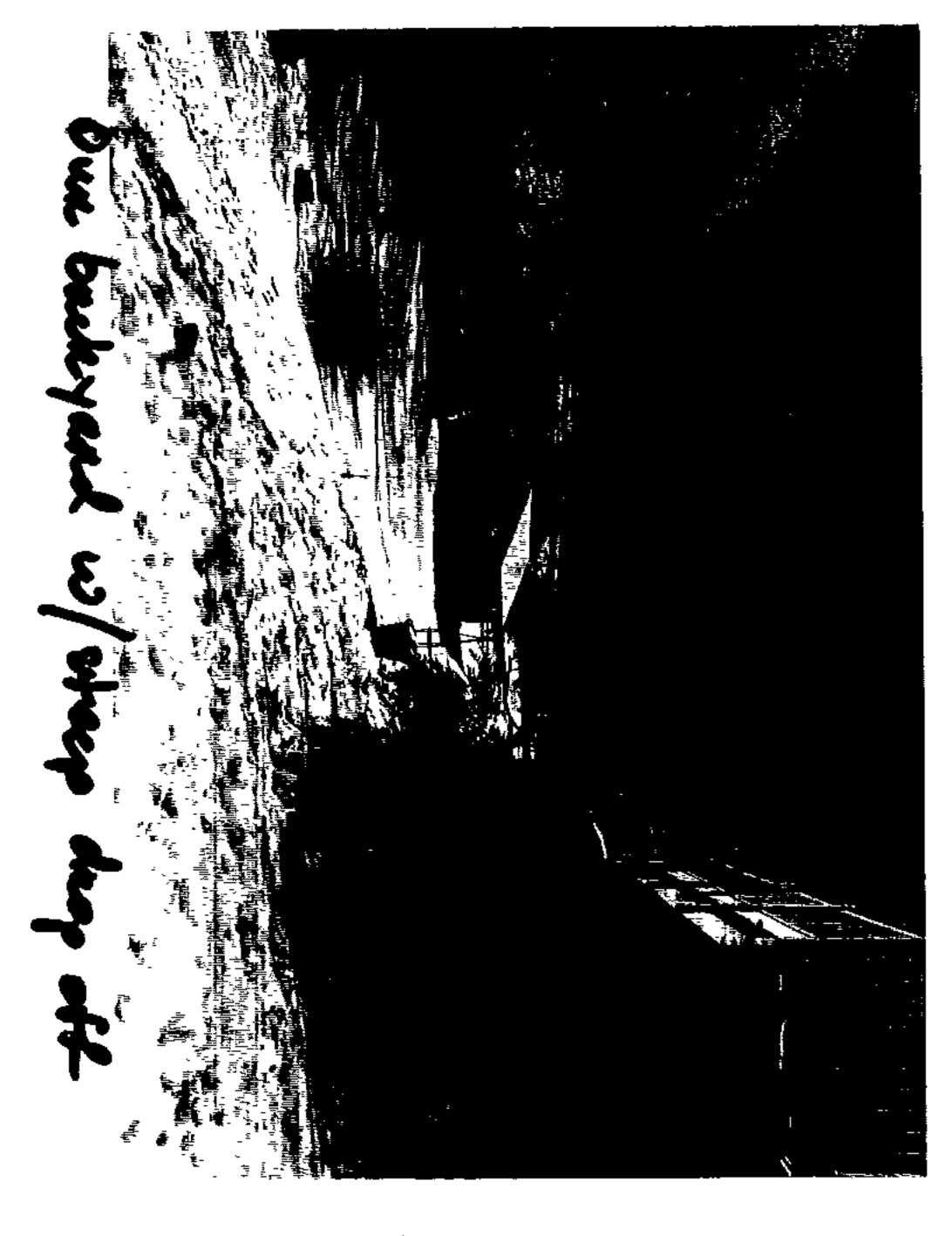
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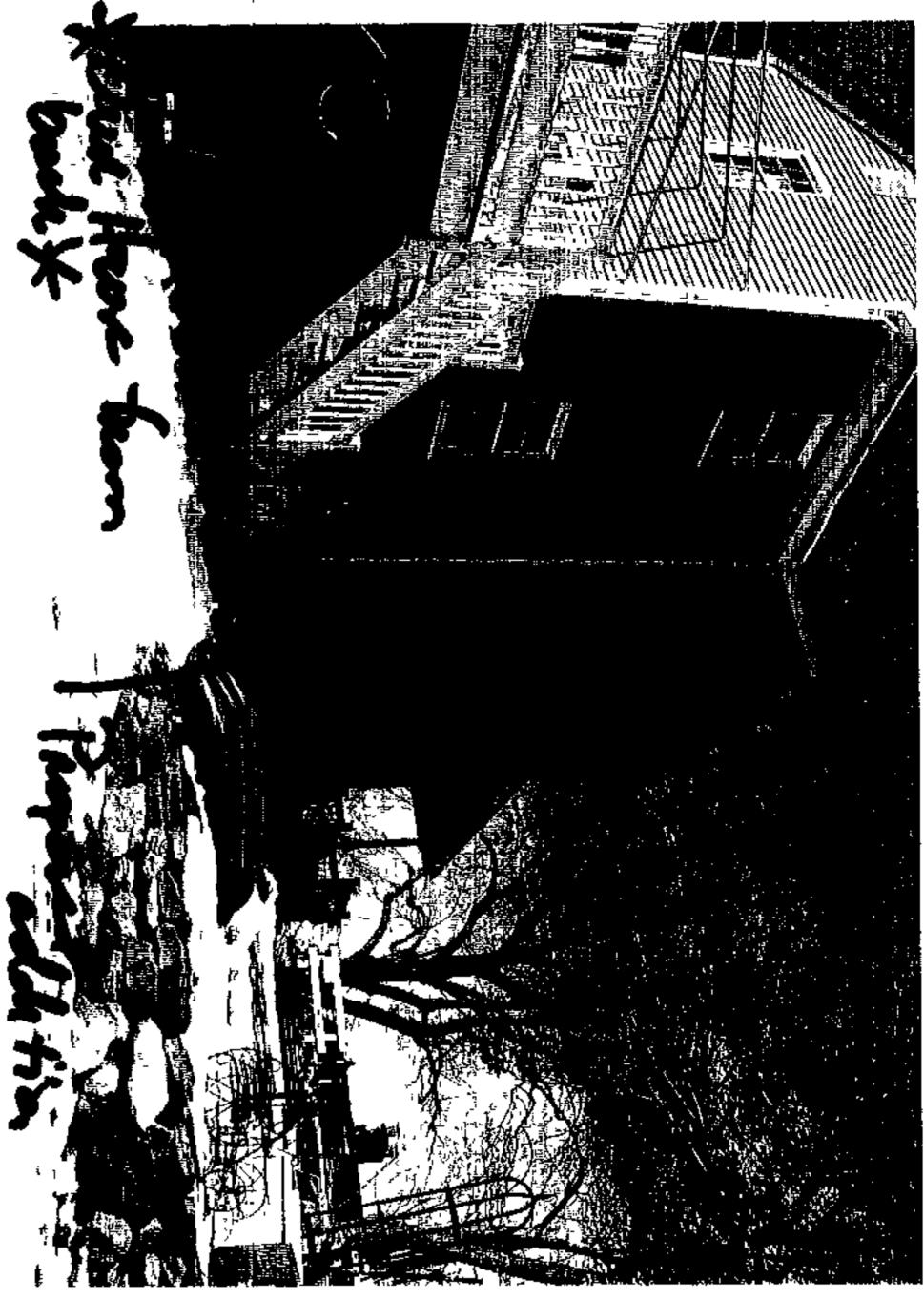


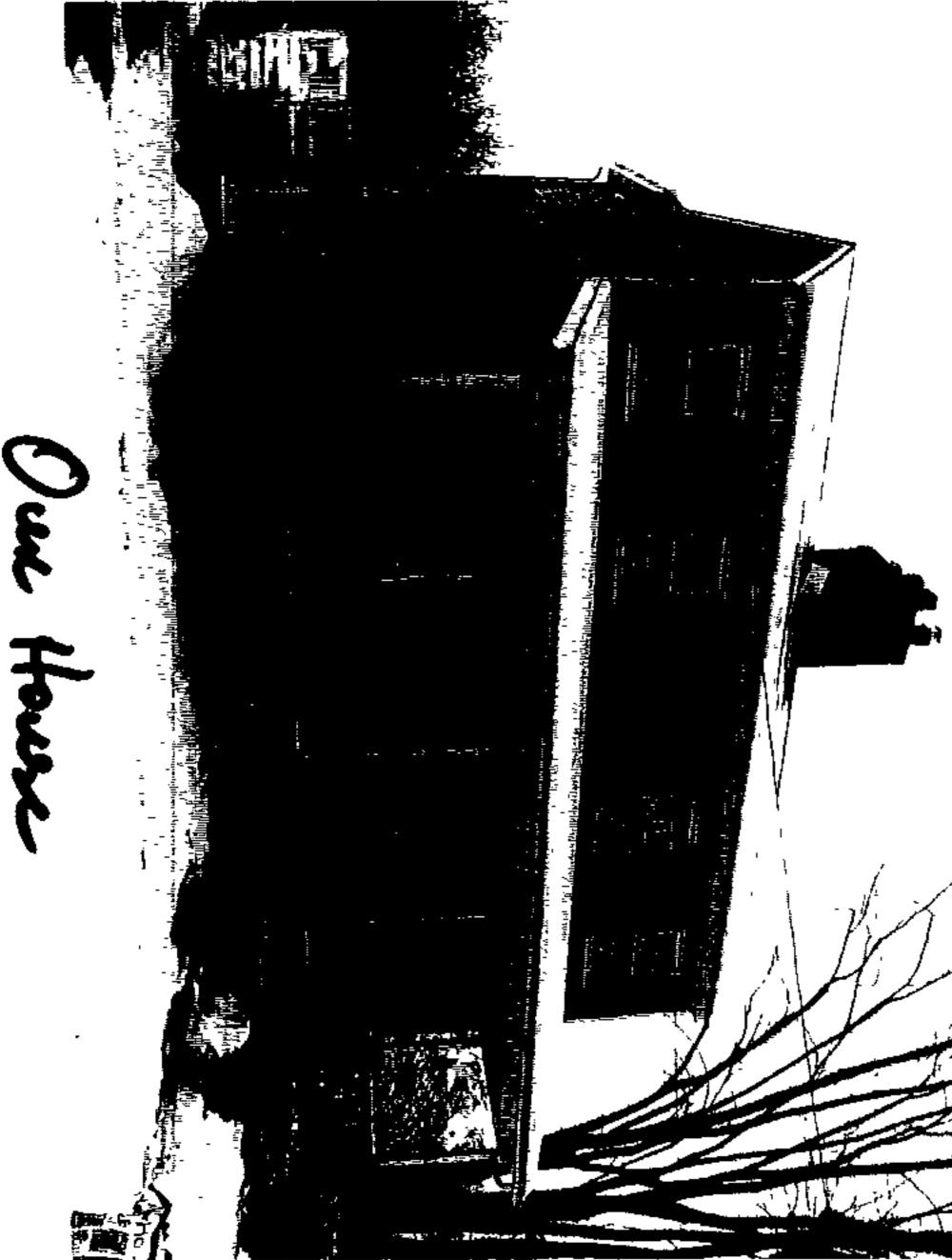


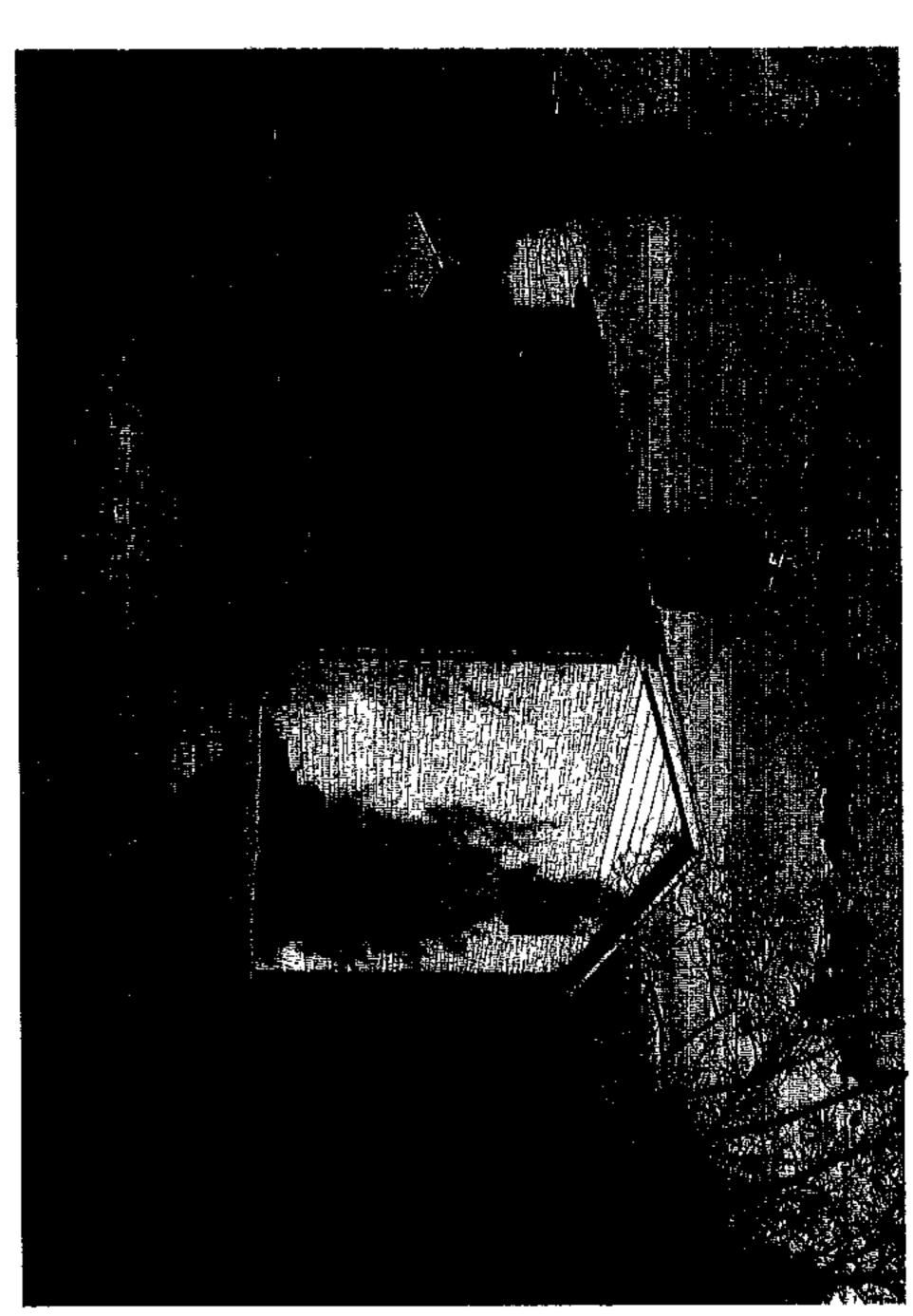




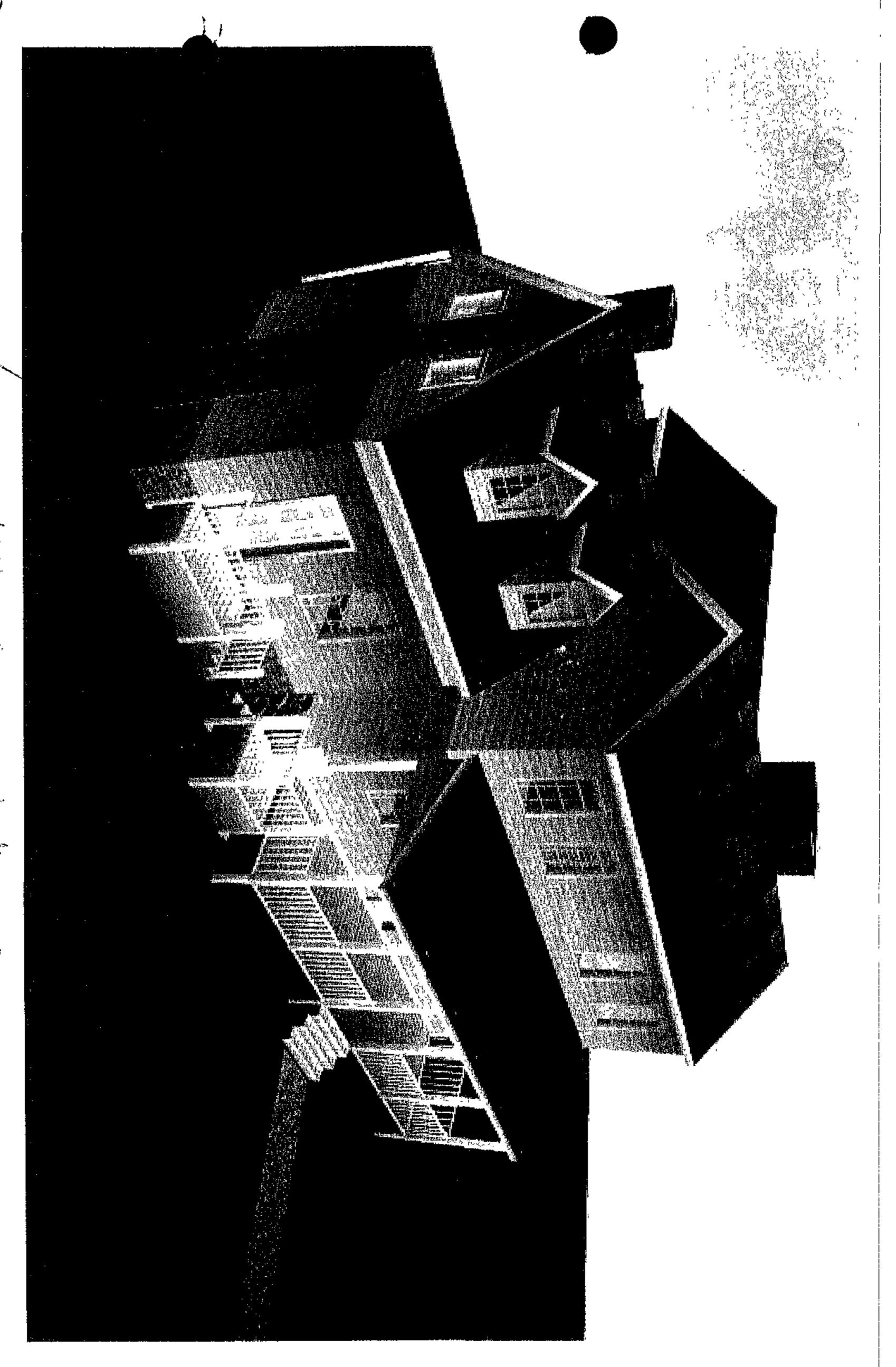








tex Addition addition apparen XX 11905 アガス but t ac 12 Her MIRK



Signature of all residents on Wearberry Place which designates their approval of addition

I am a homeowner on Woodberry Place in Kingsville and have reviewed a copy of the attached design and plat outline of the proposed addition at 11905 Woodberry Place. I am in favor of this proposed addition and am in favor of a variance necessary for this addition to comply with existing zoning, as my signature indicates below.

	Signature	Date
Timothy and Jean Riesette 11901 Woodberry Place Kingsville, Maryland 21087	Junk Rust	11/30/03
Daniel and Angela Risley 11902 Woodberry Place Kingsville, Maryland 21087	angola a Resdey	11/30/03
Leon and Cheryl Yarneth 11903 Woodberry Place Kingsville, Maryland 21087	Lean Januth	11/30/03
Richard and Patricia Decker 11904 Woodberry Place Kingsville, Maryland 21087	Rubl Aur Potrais Ocher	11/30/03
John and Patricia Franz 11906 Woodberry Place Kingsville, Maryland 21087	Patricia d. Juan	12/01/03
Barry and Sarah Pipino 11907 Woodberry Place Kingsville, Maryland 21087	San Repins	1-18-04
Paul and Patricia Henry 11908 Woodberry Place Kingsville, Maryland 21087	Park Hy	11/3=103
William Barton 11909 Woodberry Place Kingsville, Maryland 21087	William F. Barton	12-3-03

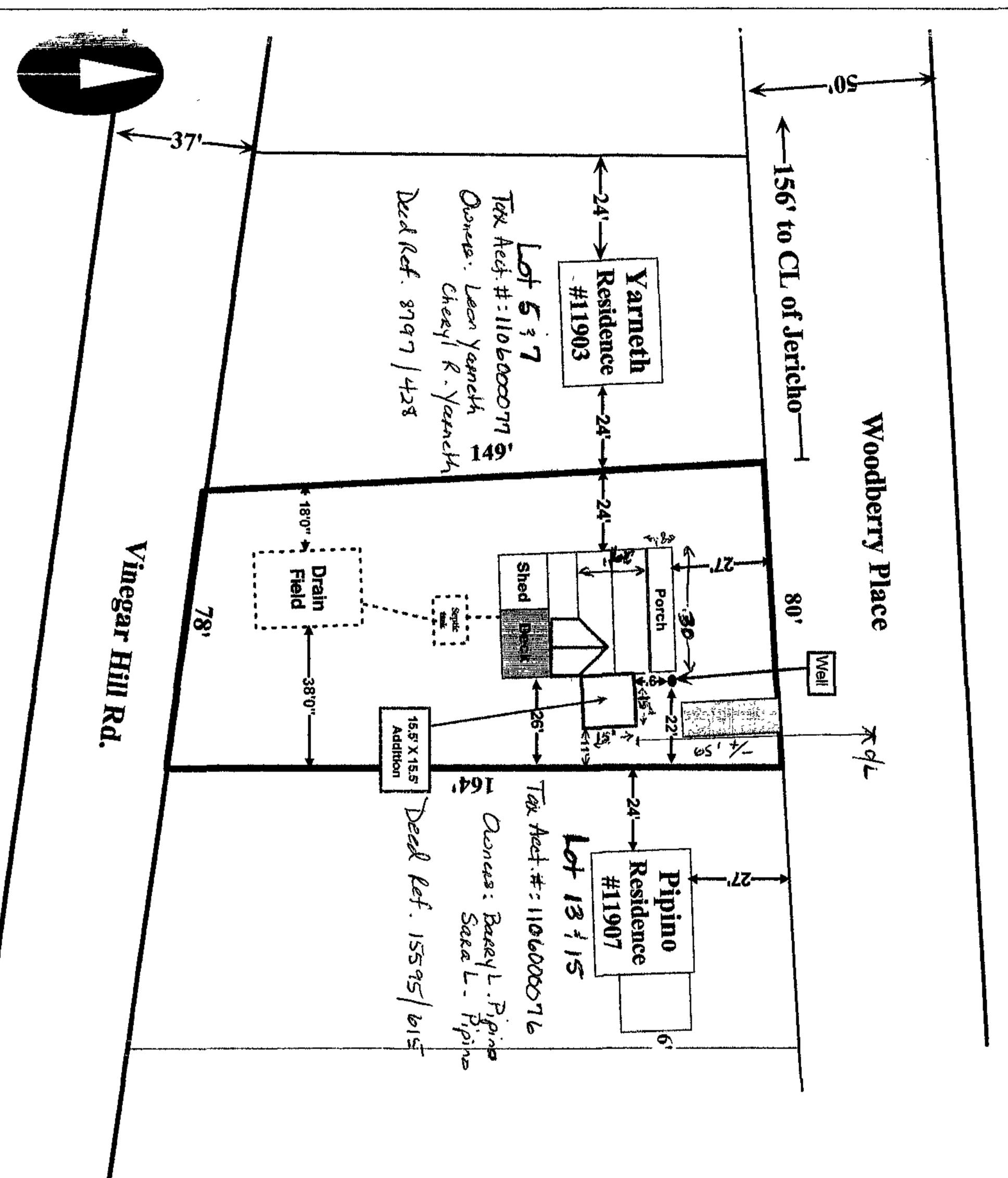
Property Address: 11905 Woodberry Place

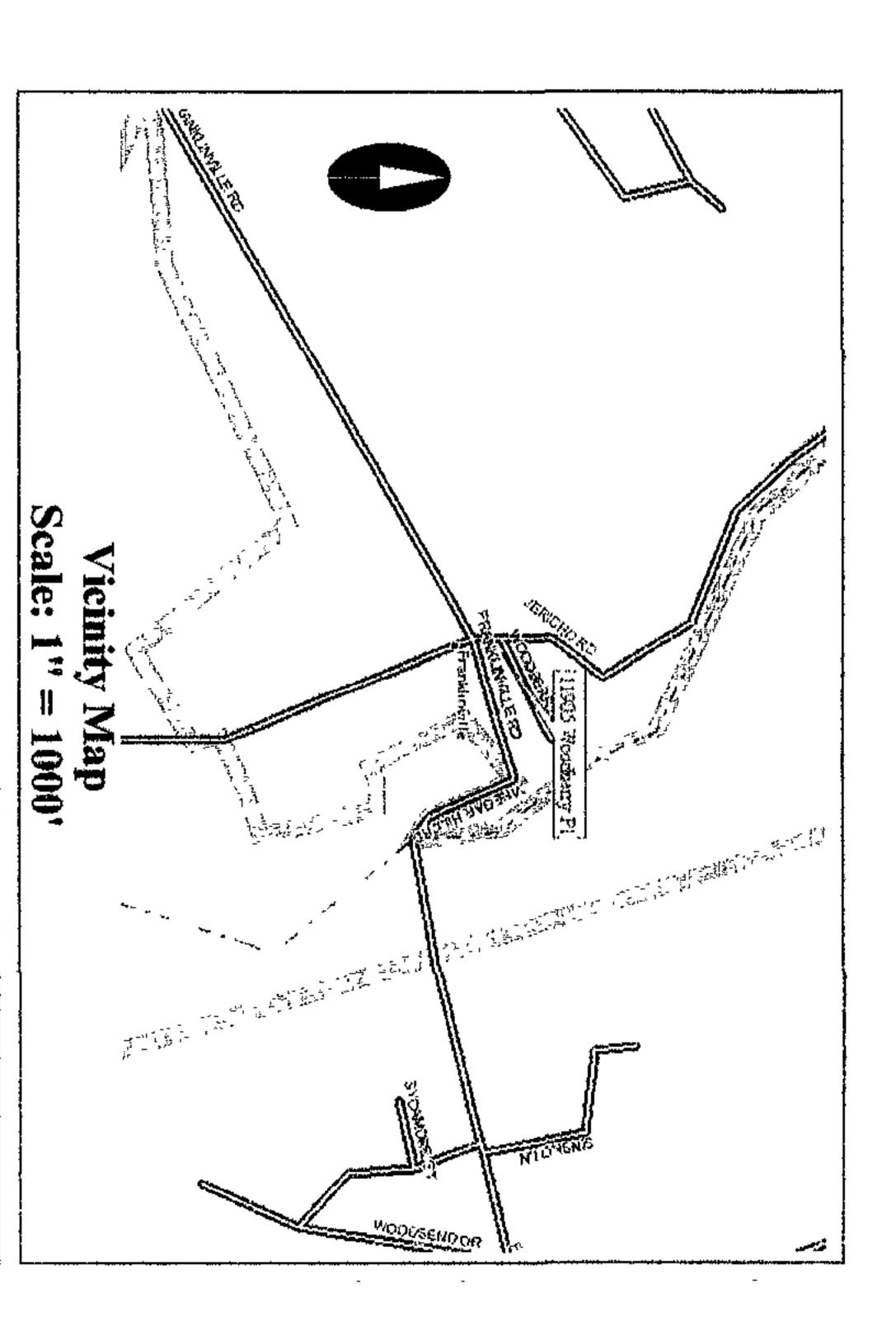
Subdivision Name: Franklinville

Plat Book # 9/65 Folio # 474 Lot #9 80 Section # NA

Owner: William & Melinda Colonna

Date: 11-1-03





Location Informa tion

Election District: #11

1"=200' Scale Map # Councilmanic District: #5 NE 14 K

Lot Size: Zoning: R.C. 5 12,283

Acreage Private Sq. Feet

- - -

Sewer Public ×

Water

Cheaspeake Bay 100 Year Flood Plain **Historic Property** ×

Critical Area

	Reviewed By	Zoning Off	Prior Zoning Hearing
389	ltem # Case #	Zoning Office Use Only	X

Prepared by:WNC

Scale of Drawing: H な

Fire Department

700 East Joppa Road Towson, Maryland 21286-5500 Tel: 410-887-4500



Baltimore County

James T. Smith, Jr., County Executive John J. Hohman, Chief

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

March 1, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: March 1, 2004

Item No.: 349, 376-389)

Dear Ms. Hart:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

6. The Fire Marshal's Office has no comments at this time.

LIEUTENANT JIM MEZICK Fire Marshal's Office PHONE 887-4881 MS-1102F

cc: File



Visit the County's Website at www.baltimorecountyonline.info